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**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

FILED
U.S. DISTRICT COURT
MIDDLE GEORGIA

2007 JAN 11 PM 2:20

C. Hepler
DEPUTY CLERK

JAMES ROY DENT,

Plaintiff,

v.

**MEDICAL CENTER OF CENTRAL
GEORGIA, RAFAEL J. GAYTON, M.D.,
MACON ELECTROPHYSIOLOGY
ASSOCIATES, P.C., ZOE JONES, M.D.,
AND CENTRAL GEORGIA HEART
CENTER,**

Defendants.

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CIVIL ACTION FILE

NUMBER 5:07-CV-13

COMPLAINT FOR WRONGFUL DEATH

COMES NOW James Roy Dent, Plaintiff herein, and for his Complaint for Wrongful Death against the named Defendants, shows the Court as follows:

-1-

The Plaintiff is the father of James Mark Dent, who was born on October 12, 1970 as the issue of the marriage between the Plaintiff and Ruth Dent.

-2-

James Mark Dent died on January 15, 2005 at his residence in Peach County, Georgia.

-3-

Defendant Medical Center of Central Georgia is a legal entity that provides medical services with its principal place of business being located in Macon, Bibb County, Georgia.

-4-

Defendant Rafael J. Gayton, M.D. is a physician who practices medicine in Macon, Bibb County, Georgia, and who at all times hereinafter mentioned was also acting as an agent and/or employee of Defendant Macon Electrophysiology Associates, P.C.

-5-

Defendant Macon Electrophysiology Associates, P.C. is a professional corporation that provides medical equipment and related medical services with its principal place of business being located in Macon, Bibb County, Georgia.

-6-

Defendant Zoe Jones, M.D. is a physician who practices medicine in Macon, Bibb County, Georgia and who at all times hereinafter mentioned was also acting as an agent and/or employee of Defendant Macon Electrophysiology Associates, P.C., and Central Georgia Heart Center.

-7-

Central Georgia Heart Center is a legal entity that provides medical services with its principal place of business being located in Macon, Bibb County, Georgia.

-8-

The Plaintiff is a resident of the State of Georgia and all of the Defendants are residents of the State of Georgia.

-9-

The Plaintiff brings this Complaint against all of the Defendants jointly and severally for the wrongful death of his son, James Mark Dent, whose life at the time of his death had a value in excess of \$75,000.00.

-10-

Jurisdiction and venue is proper with this Court as to the subject matter of this action and as to the persons of all of the Defendants.

-11-

On January 15, 2005, James Mark Dent, Plaintiff's son, died a sudden, unexpected cardiac death. A true and correct copy of the State of Georgia Certificate of Death of James Mark Dent is attached hereto and incorporated herein by reference as Exhibit "A", and likewise, a true and correct copy of an autopsy report on James Mark Dent is attached hereto and incorporated herein by reference as Exhibit "B."

-12-

Prior to his death, James Mark Dent was seen by an agent and/or employee of Defendant Macon Electrophysiology Associates, P.C., believed to be Defendant Rafael J. Gayton, M.D. who, for a valuable consideration, installed a medical device upon James Mark Dent, known as a Halter Monitor; said device being placed to monitor the heart of James Mark Dent by Defendant Macon Electrophysiology Associates, P.C.

-13-

The installation of said Halter Monitor constituted not only a medical service, but also a contract by and between Plaintiff's son and Defendants Gayton and Macon Electrophysiology Associates, P.C., who agreed that said device would be monitored and read by said Defendants and/or their authorized agents and/or employees at all times so that appropriate medical services could be rendered to James Mark Dent as may be needed based on the readings of said device.

-14-

Upon information and belief, Plaintiff shows that Defendants Gayton and Macon Electrophysiology Associates, P.C. did associate and/or assign the contractual obligations owed to James Mark Dent to Defendants Zoe James, M.D. and her employer, Defendant Central Georgia Heart Center.

-15-

On or about January 14, 2005, Plaintiff was contacted by an agent and/or employee of Defendant Central Georgia Heart Center who advised Plaintiff that there had been an abnormal reading on the Halter Monitor placed on James Mark Dent and that James Mark Dent needed to be taken to Defendant Medical Center of Central Georgia's emergency room for examination by Defendant Gayton and/or Defendant Jones.

-16-

Upon arrival at the emergency room of Defendant Medical Center of Central Georgia, the Plaintiff and James Mark Dent were advised that neither Defendant Gayton nor Defendant Jones were available to see James Mark Dent, and further, as there were no other physicians available to see James Mark Dent, he and the Plaintiff were instructed to go home without receiving any medical care whatsoever.

-17-

The next day, January 15, 2005, the Plaintiff's son, James Mark Dent sustained the sudden cardiac death noted in Paragraph 11 above.

-18-

Upon information and belief, the Plaintiff shows that Defendants Gayton, Jones, Macon Electrophysiology Associates, P.C. and Central Georgia Heart Center, jointly and severally

breached their contractual duty to monitor the Halter Monitor installed upon James Mark Dent on or about one week before his death, and as a consequence thereof, James Mark Dent did not receive any medical treatment that may have prevented his death on January 15, 2005.

-19-

As a consequence of the breach of their joint and several contractual duties to James Mark Dent, the Defendants Gayton, Jones, Macon Electrophysiology Associates, P.C. and Central Georgia Heart Center did cause the death of James Mark Dent.

-20-

The Defendant Medical Center of Georgia at the time in question did operate an emergency room and as such had the duty to all persons who presented themselves thereto to have an attending physician present. Defendant Medical Center of Georgia did breach said duty to James Mark Dent on January 14, 2005 when, through its agent, it instructed James Mark Dent to leave the facility as there was no physician there to see him.

-21-

As a result of the breach of duty owed to James Mark Dent, as aforesaid, the Defendant Medical Center of Georgia prevented James Mark Dent from getting medical treatment as directed by the other Defendants herein, and as a consequence thereof, James Mark Dent did suffer a sudden unexpected cardiac death on January 15, 2005.

-22-

As all of the Defendants jointly and severally did act and/or fail to act as herein alleged, they all contributed to and thereby caused the wrongful death of James Mark Dent and are therefore, jointly and severally liable to the Plaintiff for the full value of the life of James Mark


Dent, a sum believed to be in excess of \$75,000.00 as to be established by competent evidence at trial.

WHEREFORE, Plaintiff prays that:

- a) process and summons issue;
- b) service be had on all the Defendants;
- c) he be awarded judgment against all the Defendants, jointly and severally, in a sum in excess of \$75,000.00 as established by evidence, for the full value of the life of James Mark Dent;

- d) he have a trial by jury; and that
- e) he have such other and further relief as is just in the premises.

Respectfully submitted,


James Roy Dent, Pro Se
Plaintiff

3298 County Road 7705
Troy, Alabama 36081-6614

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